

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
FLAVIA BENITEZ,)	
Plaintiff,)	
)	
v.)	C.A. NO.: 04-11959-NG
)	
SODEXHO MARRIOTT SERVICES,)	
Defendant.)	
_____)	

DEFENDANT'S MOTION TO DISMISS THE PLAINTIFF'S COMPLAINT
FOR FAILURE TO COMPLY WITH ORDERS FROM THE COURT

The defendant, Sodexho, Inc., misnamed herein as Sodexho Marriott Services, hereby respectfully submits this Motion to Dismiss the Plaintiff's Complaint, due to the plaintiff's failure to comply with the Court's June 6, 2006 Scheduling Order. For the reasons discussed in the attached Memorandum of Law, the defendant respectfully requests that the plaintiff's Complaint be dismissed with prejudice.

REQUEST FOR ORAL ARGUMENT

Under Local Rule 7.1, the defendant respectfully requests the opportunity to be heard on this Motion at oral argument should the Court deem it necessary.

Respectfully submitted,

SODEXHO, INC.
by its attorneys,

/s/ Brian M. Haney

Harry L. Manion III, BBO #: 317440

Kenneth J. Martin, BBO #: 636643

Brian M. Haney, BBO #: 661674

COOLEY MANION JONES LLP

21 Custom House Street

Boston, MA 02110

(617) 737-3100

Facsimile: (617) 737-0374

Dated: June 22, 2006

CERTIFICATE OF SERVICE

I, Brian M. Haney, attorney for Sodexho Marriott Services, in the above-captioned action, hereby certify that on this 22nd day of June, 2006, a copy of this Motion to Dismiss the Plaintiff's Complaint for Failure to Comply with Orders from the Court was served via first-class mail upon the plaintiff, Flavia Benitez, at the following address:

P.O. Box 2437
Jamaica Plain, MA 02130

/s/ Brian M. Haney
Brian M. Haney